

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

**Laurie Ortolano,  
Plaintiff,**

**V.**

**The City of Nashua, *et al.*,  
Defendants.**

**Civil Action No. 1:22-cv-00326-LM**

**DEFENDANTS' OBJECTION TO PLAINTIFF'S MOTION  
FOR LEAVE TO FILE A NEW MEMORANDUM OF LAW IN LIEU OF  
THE MEMORANDUM THAT THE DEFENDANTS ARE SEEKING TO STRIKE**

Defendants Bolton and Leonard object to Ms. Ortolano's Motion for Leave to File a New Memorandum of Law in Lieu of the Memorandum that the Defendants are Seeking to Strike, document no, 93, on the following grounds:

1. First, counsel for Ms. Ortolano did not seek assent from Defendants Bolton and Leonard to file the Motion for Leave, document no. 93. If she had, counsel may have had an opportunity to meet and confer about the most efficient and productive way to address the problems caused by Ms. Ortolano's failure to comply with the local rules. However, Ms. Ortolano filed the instant motion without seeking assent instead.

2. Second, Bolton and Leonard filed their Motion to Strike because the original Objection Memorandum's failure to comply with Federal Rule 56 and the Local Rules made already complex summary judgment motion practice more complex, inefficient, and costly for opposing parties and the Court.

3. Now, Bolton and Leonard have already filed a reply, document no. 78, in response to Ms. Ortolano's original summary judgment objection memorandum. And Ms. Ortolano has filed a surreply, document no. 81.

4. The damage caused by Ms. Ortolano's failure to comply with the Local Rules has already been done. Filing a new memorandum (and one that does not cure all of the deficiencies in the original submission, *e.g.*, lack of record citations and assertions not based on personal knowledge) will further complicate this matter and result in further inefficiencies for both Defendants and the Court.

5. Ms. Ortolano had a responsibility to follow this Court's rules in the first instance, and now permitting Ms. Ortolano to submit another filing does not further the orderly administration of justice.

Respectfully submitted,

**Steven A. Bolton and Celia K. Leonard,**

By their Counsel,

**UPTON & HATFIELD, LLP,**

Date: June 18, 2024

/s/ Russell F. Hilliard

Russell F. Hilliard  
NHBA #1159  
159 Middle Street  
Portsmouth, NH 03801  
(603) 436-7046  
[rhilliard@uptonhatfield.com](mailto:rhilliard@uptonhatfield.com)

Brooke Lovett Shilo  
NHBA #20794  
10 Centre Street; PO Box 1090  
Concord, NH 03302-1090  
(603) 224-7791  
[bshilo@uptonhatfield.com](mailto:bshilo@uptonhatfield.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was this day forwarded to all counsel of record through the Court's E-filing system.

/s/ Russell F. Hilliard

Russell F. Hilliard